

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Application of FRANCK BERLAMONT for  
an Order Pursuant to 28 U.S.C. § 1782 to Conduct  
Discovery for Use in Foreign Proceedings.

14 MISC. 00190

**OPTIMAL INVESTMENT SERVICES, S.A. AND HUNTON & WILLIAMS LLP'S  
JOINT NOTICE OF MOTION TO VACATE *EX PARTE* ORDER AND QUASH *EX  
PARTE* SUBPOENA, OR FOR A PROTECTIVE ORDER**

PLEASE TAKE NOTICE that on July 10, 2014 on submission or as soon thereafter as this matter may be heard by the above-entitled Court, in Part 1, located at 500 Pearl Street, New York, New York 10007, Optimal Investment Services, S.A. ("OIS") and Hunton & Williams LLP ("Hunton") (collectively "Movants"), will, and hereby do, respectfully move, pursuant to Federal Rules of Civil Procedure 26, 45, and 60, for an Order vacating the *Ex Parte* Order entered in this proceeding (D.E.-4) and to quash the resulting *ex parte* subpoena.<sup>1</sup> Alternatively, Movants move for a protective order to ensure the continued confidentiality of the subpoenaed documents.

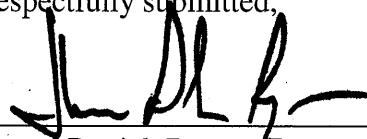
This motion is based upon this Notice of Motion, the accompanying Memorandum of Law, the attached Declaration of Shawn Patrick Regan and the exhibits attached thereto, arguments of counsel, all papers on file in this matter and any other matters the Court wishes to examine in connection with this motion.

Dated: June 30, 2014

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<sup>1</sup> In the event that OIS's motion to intervene is denied, Hunton submits the joint motion and all supporting documents in its own name and not jointly with OIS.

Respectfully submitted,



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Shawn Patrick Regan, Esq.

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- and -

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*Counsel for Optimal Investment Services,  
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**DECLARATION OF SERVICE**

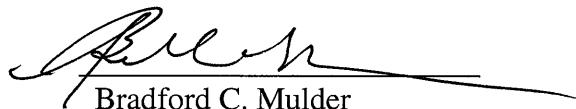
Bradford C. Mulder, hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that:

I am the Managing Clerk at the law firm of Hunton & Williams LLP, attorneys for Optimal Investment Services, S.A., and Hunton & Williams LLP.

That on June 30, 2014, I served a true copy of the attached Joint Notice of Motion To Vacate *Ex Parte* Order and Quash *Ex Parte* Subpoena, or for a Protective Order, on counsel of record at the address listed below, by hand, by leaving same in a properly addressed envelope with a proper person at the address below, during the usual business hours.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 30, 2014.



Bradford C. Mulder

TO: O. Andrew F. Wilson  
Samuel Shapiro  
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*Counsel for Franck Berlamont*